

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN THERIOT, et al.,

Plaintiffs,

v.

Case No. 13-12180

WALTER BATES, et al.,

HON. TERRENCE G. BERG

HON. MARK A. RANDON

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 7)

This matter is before the Court on Magistrate Judge Mark A. Randon's August 19, 2013 Report and Recommendation (Dkt. 7), recommending that Plaintiff's motions to proceed *in forma pauperis*, appoint counsel and bring in third party plaintiff (Dkt. 2, 3 & 4) be denied, and that the Complaint be dismissed.

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). No party filed an objection to the Report and Recommendation, and the time to do so has expired. The Court will, therefore, accept the Magistrate's Report

and Recommendation of August 19, 2013, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Randon's Report and Recommendation of August 19, 2013, (Dkt. 7) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Plaintiffs' motions proceed *in forma pauperis*, appoint counsel and bring in third party plaintiff (Dkts. 2, 3 &4) are **DENIED**, and that the Complaint be **DISMISSED**. Specifically, as recommended by Magistrate Judge Randon, Plaintiffs' constitutional claims are dismissed with prejudice, and any remaining state law claims are dismissed without prejudice.

SO ORDERED.

Dated: September 13, 2013

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on September 13, 2013, using the CM/ECF system, which will send notification to all parties, and that copies were mailed to Plaintiffs, via U.S. Mail, to the addresses listed on the docket.

s/A. Chubb
Case Manager